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**From:** Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Sent:** 3/7/2018 6:42:41 PM  
**To:** Hurlid, Kathy [Hurlid.Kathy@epa.gov]; Mancusi-Ungaro, Philip [Mancusi-Ungaro.Philip@epa.gov]; McGill, Thomas [McGill.Thomas@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]; Parker, Christopher [Parker.Christopher@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]  
**CC:** Groman, Hazel [Groman.Hazel@epa.gov]; Baldwin, Andrew [baldwin.andrew@epa.gov]  
**Subject:** RE: "other working agreements" language

I am comfortable with Phil's Option 3, repasting here, with the following additional language.

## Ex. 5 AC/DP

Simma A. Kupchan  
EPA Office of General Counsel  
Water Law Office  
202-564-3105  
WJC North #7426Q

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**From:** Hurlid, Kathy  
**Sent:** Wednesday, March 07, 2018 11:51 AM  
**To:** Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Parker, Christopher <Parker.Christopher@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>  
**Cc:** Groman, Hazel <Groman.Hazel@epa.gov>; Baldwin, Andrew <baldwin.andrew@epa.gov>  
**Subject:** RE: "other working agreements" language

Answering this via e-mail just so it may be helpful in providing some clarity where folks can read my responses rather than voices cutting in and out on the phone.

## Ex. 5 Deliberative Process (DP)

Kathy

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**From:** Mancusi-Ungaro, Philip  
**Sent:** Wednesday, March 07, 2018 8:05 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Parker, Christopher <Parker.Christopher@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>  
**Cc:** Groman, Hazel <Groman.Hazel@epa.gov>; Baldwin, Andrew <baldwin.andrew@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>  
**Subject:** RE: "other working agreements" language

As you might expect, I still have issues with either choice. But I am still struggling with how to say this and not create issues.

# Ex. 5 AC/DP

Phil

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**From:** Kupchan, Simma

**Sent:** Tuesday, March 06, 2018 3:47 PM

**To:** McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Mancusi-Ungaro, Philip <[Mancusi-Ungaro.Philip@epa.gov](mailto:Mancusi-Ungaro.Philip@epa.gov)>; Parker, Christopher <[Parker.Christopher@epa.gov](mailto:Parker.Christopher@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>

**Cc:** Groman, Hazel <Groman.Hazel@epa.gov>; Baldwin, Andrew <baldwin.andrew@epa.gov>

**Subject:** RE: "other working agreements" language

Agreed.

Simma A. Kupchan  
EPA Office of General Counsel  
Water Law Office  
202-564-3105  
WJC North #7426Q

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**From:** McGill, Thomas

**Sent:** Tuesday, March 06, 2018 3:22 PM

**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Parker, Christopher <Parker.Christopher@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>

**Cc:** Groman, Hazel <Groman.Hazel@epa.gov>; Baldwin, Andrew <baldwin.andrew@epa.gov>

**Subject:** RE: "other working agreements" language

I also agree and prefer the first option to the second.

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**From:** Hurlid, Kathy

**Sent:** Tuesday, March 6, 2018 3:02 PM

**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Parker, Christopher <Parker.Christopher@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>

**Cc:** Groman, Hazel <Groman.Hazel@epa.gov>; Baldwin, Andrew <baldwin.andrew@epa.gov>

**Subject:** RE: "other working agreements" language

Ditto, Thanks for pulling these together Rosemary. Personally, I like the brevity of the first one better, but the second may be more explicit and preferred by others.

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**From:** Kupchan, Simma

**Sent:** Tuesday, March 06, 2018 1:24 PM

**To:** Calli, Rosemary <Calli.Rosemary@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Parker, Christopher <Parker.Christopher@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>

**Subject:** RE: "other working agreements" language

Thanks, Rosemary. I think both of these are acceptable, and better than the current language, from an OGC perspective.

Simma A. Kupchan  
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202-564-3105  
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**From:** Calli, Rosemary

**Sent:** Tuesday, March 06, 2018 1:07 PM

**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Parker, Christopher <Parker.Christopher@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Hurlid, Kathy

<Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

**Subject:** "other working agreements" language

I think I captured the essence of two options thrown out for dealing with other MOAs/MOAs/working agreements. I left shorthand in for reg citations, expecting this will get a lot of debate/modification...

## Ex. 5 Deliberative Process (DP)

\*\*\*Please note my name change and new email address.\*\*\*

**Rosemary (Hall) Calli**  
Aquatic Ecotoxicologist  
U.S. Environmental Protection Agency  
Region IV – Wetlands & Streams Regulatory Section

404.562.9846  
[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)